

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

OLIVIA Y., et al

PLAINTIFFS

vs

CIVIL ACTION NO. 3:04cv251LN

HALEY BARBOUR, et al.

DEFENDANTS

**DEFENDANTS' RESPONSES TO PLAINTIFFS'  
SECOND REQUESTS FOR PRODUCTION OF DOCUMENTS**

COME NOW Defendants, by and through their attorneys of record, and file their responses to Plaintiff' Second Requests for Production of Documents, as follows:

Document Request No. 1: Any and all DHS case records of all children currently in DHS custody or, in the alternative, the DHS case records of a statistically significant number of such children to be selected by Plaintiffs for the purpose of case record review.

Response No. 1. Defendants object to this Request in that it is overly-broad and unduly burdensome for production. The Request also seeks information that is irrelevant to the claims of the Named Plaintiffs and is not calculated to lead to the discovery of admissible evidence.

Furthermore, Defendants object to the Request because it seeks the production of information regarding minors who are in the custody of the Mississippi Department of Human Services but who are not plaintiffs in the instant litigation and are not represented by Plaintiffs' counsel or any other legal representative or "Next Friend" to whom such information may be produced. Any information regarding children in the custody of the Mississippi Department of Human Services is protected from disclosure pursuant to Miss. Code Ann. § 43-21-251 and § 43-21-261 and any other applicable state or federal laws that protect the personal, medical and educational records of children who are in the custody of the Mississippi Department of Human Services.



Without waiving the objections set forth herein, and in a good faith attempt to respond to the discovery requests propounded by the Plaintiffs, Defendants have produced and will continue to produce all such requested case records of the Named Plaintiffs in this case.

Document Request No. 2: A computer-readable data tape of all children currently in DHS custody, identify the child's name, date of birth, case record identification number, the DFCS office(s) the child's case is assigned to, and all dates of entry into DHS custody.

Response No. 2: Defendants object to this Request in that it is overly-broad and unduly burdensome for production because it seeks information for an unspecified period of time. The Request also seeks information that is irrelevant to the claims of the Named Plaintiffs and is not calculated to lead to the discovery of admissible evidence.

Furthermore, the Defendants object to the Request because it seeks the production of information regarding minors who are in the custody of the Mississippi Department of Human Services but who are not plaintiffs in the instant litigation and are not represented by Plaintiffs' counsel or any other legal representative or "Next Friend" to whom such information may be produced. Any information regarding children in the custody of the Mississippi Department of Human Services is protected from disclosure pursuant to Miss. Code Ann. § 43-21-251 and § 43-21-261 and any other applicable state or federal laws that protect the personal, medical and educational records of children who are in the custody of the Mississippi Department of Human Services.

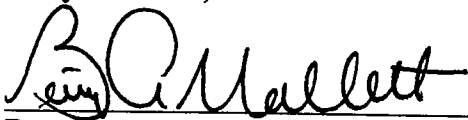
Defendants also object to the Request to the extent that it requires the Defendants to produce documents in a form in which they are not normally maintained. Without waiving the objections set forth herein, and in a good faith attempt to respond to the discovery requests propounded by the Plaintiffs, the Defendants have produced and will continue to produce all case

records of the Named Plaintiffs, including print-outs of computerized documentation, which sets forth the information requested herein.

Respectfully submitted,

**HALEY BARBOUR, as Governor of the State of Mississippi; DONALD TAYLOR, as Executive Director of the Department of Human Services; and BILLY MANGOLD as Director of the Division of Family and Children's Services**

**McGlinchey Stafford, PLLC**

By:   
Betty A. Mallett (MSB #8867)

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**CERTIFICATE OF SERVICE**

I, Betty A. Mallett, do hereby certify that I have this day served a copy of the foregoing on counsel of record by United States Mail, postage prepaid to:

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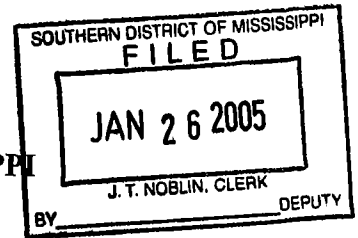
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Office of the Attorney General  
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Jackson, MS 39205

SO CERTIFIED, this the 24<sup>th</sup> day of January, 2005.

  
Betty A. Mallett

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



OLIVIA Y., By and  
Through Her Next Friend,  
James D. Johnson, et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR,  
As Governor of the State of Mississippi;  
DONALD TAYLOR, as Executive Director  
of the Department of Human Services; and  
BILLY MANGOLD, as Director of the Division  
of Children's Services

DEFENDANTS

NOTICE OF SERVICE

Notice is hereby given that Defendants Haley Barbour, Donald Taylor, and Billy Mangold have caused to be served in the above matter the following:

1. Defendants' Responses to the Plaintiffs' Second Requests for Production of Documents.

This, the 24<sup>th</sup> day of January, 2005.

Respectfully submitted,

HALEY BARBOUR, as Governor of the State of  
Mississippi; DONALD TAYLOR, as Executive Director  
of the Department of Human Services; and  
BILLY MANGOLD as Director of the Division of  
Family and Children's Services

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By: Betty A. Mallett  
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I, Betty A. Mallett, do hereby certify that I have this day served a copy of the foregoing on counsel of record by United States Mail, postage prepaid to:

W. Wayne Drinkwater, Jr., Esq.  
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Jackson, MS 39205

SO CERTIFIED, this the 24<sup>th</sup> day of January, 2005.

  
Betty A. Mallett

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